

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ANILESH AHUJA and JEREMY SHOR,
Defendants.

18 Cr. 328 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

This Order addresses the objection of Defendant Jeremy Shor to the introduction of proposed Government Exhibits 203, 1570, and 1571 during the testimony of Frank Dinucci. The Court has reviewed the exhibits, which the Government represents to be examples of Bloomberg Virtual Confirmation (or “VCON”) forms regarding transactions in which Mr. Shor was involved. The Court understands that Mr. Shor does not dispute the authenticity of the proposed exhibits, but rather argues that Mr. Dinucci is not a competent witness through which they can be introduced.

After reviewing the proposed exhibits, relevant case law, and the Government’s proffer as to Mr. Dinucci’s anticipated testimony, the Court believes that Mr. Dinucci may be able to lay a foundation for the exhibits’ introduction as non-hearsay statements of a party opponent. *See* Fed. R. Evid. 801(d)(2); *United States v. White*, 571 F. App’x 20, 23 (2d Cir. 2014) (summary order) (affirming the introduction of, among other things, financial records and airline records as statements of a party opponent). It will therefore permit the Government to attempt to lay a foundation for the introduction of the proposed exhibits through Mr. Dinucci.

SO ORDERED.

Dated: June 26, 2019
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge